

DEC 11 2006

FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MURs 5700 & 5707
PHILLIP G. MESKIN

2006 DEC 11 P 1:28

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of General Counsel has scored MURs 5700 and 5707 as low-rated matters. Under the Enforcement Priority System, matters that are low-rated are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared, to other higher rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss these cases.

The facts giving rise to these complaints involve the operations of the Veterans Party of American Committee ("VPA") through its chairman, Phillip Meskin. The complainants allege that Mr. Meskin failed to file disclosure reports in 2005 for the VPA and used the VPA's website and a party conference to sell VPA promotional materials to benefit Mr. Meskin's publication, the Veteran's Post Newspaper ("VPN"). Additionally, the complainants allege that Mr. Meskin commingled his charitable foundation, the Veterans Public Awareness Foundation, with the VPA by soliciting donations to the charity on the party's website. Moreover, the complainants allege that Mr. Meskin has not accounted for fees that were collected from attendees to the party conference. The complainants also contend that Mr. Meskin has falsely claimed that the VPA owes him \$30,000 for funds he has fronted the committee.

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2 Mr. Meskin responded to the two complaints by noting that he along with the VPN

3 were the sole financial supporters for the VPA from 2003-2005. Specifically, the VPN began

4 supporting the VPA in 2003 by purchasing bumper stickers to sell on behalf of the VPA.

5 Later, in 2005, the VPN assisted the VPA by fronting costs associated with the VPA's

6 conference in Tampa, Florida. Mr. Meskin further states that during 2005 there were no

7 funds expended or checks written from the VPA's checking account. Instead, Mr. Meskin

8 and the VPN provided all the funding necessary to support the VPA in 2005. Mr. Meskin

9 claims that although he has not taken any personal reimbursement from the VPA, he is owed

10 \$30,000 for his time, effort, and merchandise he has fronted on behalf of the committee.

11 The two complaints involve an internal dispute concerning who controls the VPA and

12 whether the VPA's Chairman, Phillip Meskin, used the VPA to further his own interests,

13 such as his newspaper, the VPN. The complainants have presented several issues that fall

14 outside of the Federal Election Campaign Act.¹ Moreover, with respect to the violations that

15 might fall within the Commission's jurisdiction, the complainants' accusations are

16 unsubstantiated, unclear, or both. Finally, the VPA's 2005 Year-End Report, which was filed

17 late on March 20, 2006, reveals that the Committee's total receipts for the year were \$1,017,

18 while its expenditures totaled \$40.² Thus, it appears that the committee's activities were de

19 minimis during the period at issue.³

¹ The Complainants have represented that Mr. Meskin's activities have been brought to the attention of both the Florida Department of Law Enforcement and law enforcement officials in Pinellas County, Florida

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³ It should be noted that the Committee also reported little financial activity on its 2004 Year-End Report. Specifically, the Committee reported Total Receipts of \$3,749 and total disbursements of \$3,227

Accordingly, after a review of the merits of MUR 5700 and 5707 in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).


RECOMMENDATION

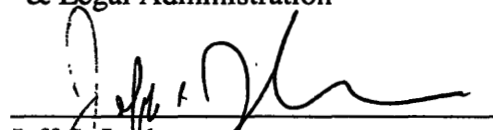
The Office of General Counsel recommends that the Commission dismiss MURs 5700 and 5707, close the files effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing these cases as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case files for the public record.

James A. Kahl
Deputy General Counsel

12/11/06
Date

BY:


Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

Attachment:
Narrative in MURs 5700 & 5707

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5 **MURs 5700 & 5707**
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8 **Complainant:** Terry Richards (MUR 5700)
9 Robert C. Thompson (MUR 5707)

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11 **Respondents:** Phillip G. Meskin (MURs 5700 & 5707)
12 Veterans Party of America and
13 Susan J. White, as Treasurer (MURs 5700 & 5707)
14 Veterans Post Newspaper (MURs 5700 & 5707)
15 National Heritage Foundation (MURs 5700 & 5707)
16 Veterans Public Awareness Foundation (MURs 5700 & 5707)
17 DAV Chapter 9 (MUR 5707)
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20 **Allegations:** Complainants allege that respondent, Philip Meskin, Chairman of the
21 Veteran's Party of America "Executive Election Committee," failed to file disclosure
22 reports in 2005 for the Veteran's Party of America ("VPA"), a registered federal
23 committee. Additionally, complainants claim that Mr. Meskin used the VPA's website
24 and a party conference to sell VPA promotional materials to benefit Mr. Meskin's
25 publication, the Veteran's Post Newspaper ("VPN"). More specifically, the complaints
26 state that payments that were made to purchase party promotional activities, which were
27 believed to have gone to the VPA, were instead directed to Mr. Meskin's newspaper.
28 Also, Mr. Meskin allegedly commingled his charitable foundation, the Veterans Public
29 Awareness Foundation, with the VPA by soliciting donations to the charity on the party's
30 website. Additionally, Mr. Meskin has not accounted for fees that were collected from
31 attendees to the party conference. Finally, Mr. Meskin falsely claims that VPA owes him
32 \$30,000 for funds he fronted the VPA.
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34 **Responses:** Respondent, Phillip Meskin, denied the allegations made by the
35 complainants and explained that his paper, the VPN, began supporting the VPA in 2003
36 by purchasing bumper stickers to sell on behalf of the VPA. Later, in 2005, the VPN
37 assisted the VPA by fronting costs associated with the VPA's conference in Tampa,
38 Florida. As a result of a lower than expected turn out for the conference, the VPN lost its
39 deposit on a bank of rooms. Notwithstanding the loss of the deposit, attendees were
40 instructed to write all checks associated with the conference to be made payable to the
41 VPA, except if they were purchasing bumper stickers or other promotional materials,
42 which in that case the checks were to be made out to the VPN. Mr. Meskin further states
43 that during 2005 there were no funds expended or checks written from VPA's checking
44 account. Instead, the Mr. Meskin and the VPN provided all the funding necessary to
45 support the VPA in 2005. Mr. Meskin claims that although he has not taken any personal

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1 reimbursement from the VPA, he is owed \$30,000 for his time, effort, and merchandise
2 he has fronted on behalf of the committee.

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4 **General Counsel's Note:** The VPA filed its 2005 Year-End report on March 20, 2006
5 after receiving a non-filer notice from the Reports Analysis Division. The report showed
6 total receipts for the year as \$1,017 and expenditures of \$40. The two complaints involve
7 a dispute concerning who controls the VPA and whether the VPA's Chairman, Phillip
8 Msekín, used the VPA to further his own interests, such as his newspaper, the Veteran's
9 ~~Post Newspaper. The accusations are unsupported by the record presented from the~~
10 complainants. Additionally, the complainants have presented issues that fall
11 predominately outside of the Federal Elections Campaign Act.

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15 **Date complaint filed:** January 25, 2006 (MUR 5700); February 21, 2006 (MUR 5707);
16 and Supplement filed on April 28, 2006 (MURs 5700 & 5707).

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18 **Date responses filed:** March 6, 2006 (MUR 5700); April 28, 2006 (MUR 5707);
19 and May 16, 2006 (MURs 5700 & 5707)

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